

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 19, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, February 19, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Keith Moore, Providence United Methodist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Wiggins led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Barr, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He reported on the Secondary Road Six-Year Program and announced there would be a Commonwealth Transportation Board Meeting in Richmond on the 21st of February in the Highway Building concerning the parking ordinance. He reported that the Route 17 overlay project was 90 percent complete, and VDOT will resume work on the project near the end of March or early April. He stated a Public Hearing scheduled on the Route 17 expansion from Fort Eustis Boulevard to York High School would also be held on the 21st of February at York High School.

Mr. Burgett asked about the paving schedule for this year in relation to the funding cuts VDOT was receiving this year. He stated Carraway Terrace was on last year's paving schedule but was delayed due to waterworks repairs. He asked if the street could be added back to the schedule.

Mr. Barr assured Mr. Burgett that Carraway Terrace would be on the schedule, but it would be delayed. He stated he was not able to give specifics at this time due to the budget cuts. He stated he expected the department to maintain what it has done in the past, and noted the Commissioner was soliciting a 4 percent increase for the projects.

Mr. Zarembo asked about the three projects scheduled, the widening of Ft. Eustis Boulevard from Route 17 to Route 143; the widening of Route 17 between Ft. Eustis Boulevard to York High School; and the extension of Ft. Eustis Boulevard east from where it ends right now at Food Lion on Rt. 17 on out into Seaford.

Mr. Barr stated the one going north towards York High School was one the agenda, and that VDOT had worked with the County in prioritizing the areas of expansion. He stated VDOT's game plan was to try to alleviate some of the traffic problems on Route 17, but he was not sure about the other two projects.

Mr. Shepperd requested that VDOT look into changing a traffic signal on Route 134 to better serve the Edgewood subdivision. He commended VDOT for the ditch repair on Route 134 near Big Bethel Road. He reported there was a large pile of leaves in the middle of the concrete ditch near Harwoods Mill, and he asked that it be cleaned out.

Chairman Wiggins stated the Board members were very concerned about the funding for transportation projects in the County. He indicated he felt the citizens needed some explanation of the projects that were incomplete, and for those projects that have been delayed for a considerable amount of time.

Mr. Barr stated the Commissioner was trying to tighten up the six-year program so it wasn't inflated. He stated VDOT wants to give the County something it can execute and not promise something that is never going to happen in six years. He noted that once VDOT has the projects together, they will be forwarded to the County.

Chairman Wiggins mentioned Old York Hampton Highway and the traffic flow on the road. He suggested VDOT examine the speed limit with the possibility of increasing the limit. He felt it was too slow for the amount of traffic and the conditions of the road.

Mr. Barr stated the district would have to perform a traffic speed study.

PRESENTATIONS

COMMENDATION OF MRS. LYDIA FRAISER GARDNER

Chairman Wiggins introduced and congratulated Mrs. Lydia Fraiser Gardner on the occasion of her 100th birthday. He then presented her with a bound and sealed copy of Resolution R02-27 commemorating her birthday.

AVIATION'S WORLD FAIR

Mr. Mike Hatfield, Senior Representative of the Aviation's World Fair (AWF), gave a presentation on the fair that is scheduled to take place in April 2003 at the Newport News Williamsburg International Airport. He explained the fair is a tribute to the Wright Brothers and all those who followed in their footsteps in aviation and space. It will be a combination of trade show and public events aimed at providing education for the public, inspiring the next generation of aviation pioneers, and an opportunity for economic development. He stated this event was a world-class design, and he reported that an estimate of the economic impact in the area would be approximately \$200 million.

WILLIAMSBURG AREA CONVENTION AND VISITORS BUREAU

Mr. David Schulte, Executive Director of the Williamsburg Area Convention & Visitors Bureau, appeared before the Board of Supervisors to report on the state of the travel industry and the prospects for 2002. He provided figures on the tourism tax revenue, predictions for the area travel after the 911 attacks, and revenues during the recession. He made comparisons of the area's tourist industry with that of other tourist attractions.

CITIZENS COMMENT PERIOD

Mr. Chad Kilburn, 300 Church Road, a representative of Bonana Boat Entertainment, appeared before the Board to discuss his interest in expanding his business of selling foods from his boat at the waterfront. He intended to be available for such events as private parties, weddings, and other social events. He wanted to launch his boat from Back Creek Park but was denied permission by the Zoning Office. He asked the Board to look into his request to operate his business.

Chairman Wiggins stated the Board would look into the matter and respond back to him.

Mr. John Kennedy, 300 Church Road, also appeared on behalf of Bonana Boat Entertainment to ask the Board for its support to operate a business on the waterfront. He felt that his operation would be comparable to that of the commercial vessels that dock at the pier.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated he met with Delegate Rapp in support of House Bill 349 submitted on behalf of the County, which addresses annexation issues and the ability of cities to proceed as land

owners against counties that have been declared otherwise judicially immune from city-initiated annexation. He reported that the bill passed in the House.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its next regularly scheduled meeting on March 5 at which time the proposed Fiscal Year 2003 Budget will be presented. He stated the public hearing for that will be held on March 14 in York Hall.

Meeting Recessed. At 7:54 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

CONVEYANCE OF UTILITY EASEMENTS

Mr. Barnett made a presentation on proposed Resolution R02-31 to authorize conveyance to the Virginia Department of Transportation of approximately 299 square feet of land, and the conveyance of utility easements to Verizon Virginia, Inc., and Virginia Electric and Power Company across property owned by the County located on Cary's Chapel Road.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-31 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO CONVEY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION APPROXIMATELY 299 SQUARE FEET OF LAND, AND TO CONVEY UTILITY EASEMENTS TO VERIZON VIRGINIA, INC., AND VIRGINIA ELECTRIC AND POWER COMPANY ACROSS PROPERTY OWNED BY THE COUNTY AND LOCATED ON CARY'S CHAPEL ROAD

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-31 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO CONVEY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION APPROXIMATELY 299 SQUARE FEET OF LAND, AND TO CONVEY UTILITY EASEMENTS TO VERIZON VIRGINIA, INC., AND VIRGINIA ELECTRIC AND POWER COMPANY ACROSS PROPERTY OWNED BY THE COUNTY AND LOCATED ON CARY'S CHAPEL ROAD

WHEREAS, the County owns property located on Cary's Chapel Road consisting of approximately 0.155 acres, currently used as the site for the Cary's Chapel Road sewage pumping station; and

WHEREAS, the Virginia Department of Transportation (VDOT) desires to construct improvements to Cary's Chapel Road, necessitating the acquisition of approximately 299 square feet of additional right-of-way across the County's property, and the relocation of utility easements to Verizon Virginia, Inc. and Virginia Electric and Power Company (VEPCO) for the maintenance of telephone and electric power lines; and

WHEREAS, VDOT has offered to the County the sum of \$2,357.00 for the acquisition of the right-of-way and the easements; and

WHEREAS, this matter has been advertised for a public hearing pursuant to Code of Virginia § 15.2-1800 to determine whether the County should convey the right-of-way and the easements as requested; and

WHEREAS, this Board has determined that the public interest will be served by such conveyance;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that the County Administrator is hereby authorized to execute deeds, approved as to form by the County Attorney, conveying to VDOT approximately 299 square feet of land along Cary's Chapel Road, and certain utility easements to Verizon Virginia, Inc. and VEPCO for the maintenance therein of electric power lines and telephone lines and other communication system facilities as shown on the construction plans for VDOT Project 0782-099-188, C501.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

APPLICATION NO. UP-587-02, RANGER RICK'S

Mr. Carter made a presentation on Application No. UP-587-02 requesting a use permit to authorize the establishment of a golf driving range, miniature golf, and batting cage on an 11.3-acre portion of a 100.5-acre parcel located at 301 Lightfoot Road. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-15.

Mrs. Noll stated she was hesitant to change the buffer as requested on this application because of what that change may do to future development.

Mr. Carter stated the parcel to be used for miniature golf was going to be leased, but that the Williamsburg Pottery would retain ownership of the parcel as well as the surrounding parcels. He explained if the parcel is developed while this facility is still in operation, it would be with full knowledge of the existence of the miniature golf and driving range facility, and that the 50-foot offset for any buildings and parking area would be adequate with the supplementary landscaping that is required.

Mrs. Noll asked if the zoning would revert back to the regular zoning if the property was sold.

Mr. Carter stated the zoning would remain the same, and the conditions would go with the land.

Mrs. Noll expressed concern that if the property was sold, the people who bought the parcel next to it would have only a minimum amount of buffer.

Discussion ensued regarding the buffer size.

Mr. Burgett stated he felt the parking might not be adequate for the facility.

Mr. Carter stated a detailed parking plan would be completed once a detailed site plan was developed.

Mr. Burgett asked if there were any plans to serve food from the operation and the possibility of the parking needs being increased.

Mr. Carter stated a small clubhouse facility would be available, but he was unsure about the availability of food.

Mr. Zaremba stated the Planning Commission approved the proposal with the 50-foot buffer, not the 25-foot buffer. He questioned the applicant's position to go from 100 feet, to 50 feet, to

25 feet. He asked if the County was just willing to roll over with respect to the County ordinances on anything that was requested.

Mr. Carter stated that the staff's comfort level was based on the Pottery's intent to hold title to all the land and to simply lease it. He stated he was confident of the Pottery's willingness to work with potential future development that adjoins this facility. He stated that staff felt a minimum 50-foot setback for the parking and the buildings, supplemented by the landscaping, would be adequate to provide a sufficient buffer.

Discussion ensued on landscaping issues.

Mr. Zaremba asked how the Director of Economic Development felt on the matter.

Mr. James Noel, Director of Economic Development, stated he and the Industrial Development Authority were in support of the application, and he elaborated on the possible uses of the property.

Mr. Richard Costello, 1020 Sycamore Landing, James City County, a representative of AES Consulting Engineers, who represented The Williamsburg Pottery, stated the Pottery intended to maintain ownership of the land and lease it for commercial uses. He explained that the snack bar would only have sodas, crackers, etc. to serve the patrons of the facility and not to serve outside people. He agreed with Mr. Carter that the parking would be dealt with closer at the site plan stage.

Mr. Burgett stated the County had what was called an 'eating facility' in the zoning ordinance. He then asked if he was amenable to having that definition applied.

Mr. Rick Newburg, the applicant, stated he was amenable to the restaurant being more defined.

Mr. Burgett requested a more detailed definition of the restaurant facility to avoid future parking issues.

Chairman Wiggins called to order a public hearing on Application No. UP-587-02, which was duly advertised as required by law. Proposed Resolution R02-15 is entitled:

RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A GOLF DRIVING RANGE, MINIATURE GOLF, AND BATTING CAGES ON LIGHTFOOT ROAD

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R02-15(R), to include the revised condition concerning restaurant space and parking suggested by Mr. Burgett, that reads:

RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A GOLF DRIVING RANGE, MINIATURE GOLF, AND BATTING CAGES ON LIGHTFOOT ROAD

WHEREAS, Rick Newburg, d/b/a Ranger Rick's Driving Range, has submitted Application No. UP-587-02, which requests a special use permit pursuant to Section 24.1-306 (Category 9, No. 8 and No. 9) of the York County Zoning Ordinance to authorize the establishment of a golf driving range, miniature golf, and batting cages on an 11.3-acre portion of a 100.5-acre parcel located at 301 Lightfoot Road and further identified as Assessor's Parcel No. 2-17; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the comments of the public with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that Application No. UP-587-02 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize construction of a golf driving range, miniature golf course, and batting cages on an 11.3-acre portion of a 100.5-acre parcel of land located at 301 Lightfoot Road and further identified as Assessor's Parcel No. 2-17.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land disturbing or construction activity for this development. Said site plan shall be in substantial conformance with the concept plan titled Ranger Rick's Driving Range, prepared by AES, Consulting Engineers, and dated November 1, 2001.
3. The golf course shall be developed and operated in accordance with the standards set forth in Section 24.1-454, Standards for all recreation and amusement uses; Section 24.1-458, Standards for miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, and other outdoor commercial amusements. The one hundred-foot (100') separation buffer required under these standards may be reduced to a minimum of twenty-five (25), provided, however, that buildings or parking areas developed in the future on any portion of the parent tract (i.e., the remainder of the parcel owned by the Williamsburg Pottery Factory, Inc.) shall be a minimum of fifty (50) feet from the driving range perimeter. The portion of the buffer adjoining the Pettitt parcel to the west shall be landscaped in accordance with the following standards prior to the issuance of a Certificate of Occupancy for the business. Landscaping of the remainder of the buffer may be deferred until the adjoining property is proposed for development and then shall be installed within ninety (90) days of the issuance of a building permit for construction on said adjoining property. Said buffer shall be landscaped to achieve the following ratios, at a minimum:
 - One large evergreen tree (ultimate height greater than or equal to 40') for every thirty (30) linear feet measured along the outside edge of the buffer, plus
 - One medium evergreen tree (ultimate height 20' - 40' for every twenty-five (25) linear feet measured along the outside edge of the buffer.
4. A right turn taper into the development, designed in accordance with the standards of the Virginia Department of Transportation (VDOT), shall be constructed westbound on Lightfoot Road.
5. The applicant shall be responsible for installing any additional on- or off-site improvements recommended by the Virginia Department of Transportation (VDOT).
6. The topographical relief associated with the final construction of the miniature golf course shall be no greater than four feet (4') above the existing grade.
7. The proposed snack bar shall be operated as an accessory and incidental service for customers of the amusement facility and shall not be designed to cater to the general public unless off-street parking is provided at the ratios normally required by the Zoning Ordinance for free-standing restaurant uses.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,

Nay: (0)

APPLICATION NO. UP-588-02, CHARITY ANN COMBS

Mr. Carter made a presentation on Application No. UP-588-02 requesting a special use permit authorizing a beauty shop as a home occupation within a single-family detached dwelling located in the Edgehill subdivision at 103 York Lane. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-16.

Chairman Wiggins called to order a public hearing on Application No. UP-588-02, which was duly advertised as required by law. Proposed Resolution R02-16 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME OC-
CUPATION AT 103 YORK LANE

Ms. Charity Combs, the applicant, appeared before the Board to answer any of its questions.

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R02-16 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BEAUTY SHOP AS A HOME OC-
CUPATION AT 103 YORK LANE

WHEREAS, Charity Ann Combs has submitted Application No. UP-588-02 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that Application No. UP-588-02 be, and it is hereby, approved to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty shop as a home occupation within a single-family detached dwelling on property located at 103 York Lane and further identified as Assessor's Parcel No. 24J-2C-27.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 250 square feet.

3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Tuesdays and Thursdays from 10:00 AM to 7 PM, Wednesdays and Fridays from 10:00 AM to 4:00 PM, and Saturdays from 10:00 AM to 2:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.

In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins,
Nay: (0)

APPLICATION NO. UP-589-02, RUDOLPH HOLMES

Mr. Carter made a presentation on Application No. UP-589-02 requesting a special use permit authorizing a barbershop as a home occupation within a single-family detached dwelling located in the Carver Gardens subdivision at 103 Banneker Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-17.

Chairman Wiggins called to order a public hearing on proposed Application No. UP-589-02, which was duly advertised as required by law. Proposed Resolution R02-17 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BARBERSHOP AS A HOME OC-
CUPATION AT 103 BANNEKER DRIVE

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Rudolph Holmes, the applicant, appeared before the Board to answer any questions.

Mr. Zaremba then moved the adoption of proposed Resolution R02-17 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BARBERSHOP AS A HOME OC-
CUPATION AT 103 BANNEKER DRIVE

WHEREAS, Rudolph Holmes has submitted Application No. UP-589-02 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to

authorize a barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that Application No. UP-589-02 be, and it is hereby, approved to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair barbershop as a home occupation within a single-family detached dwelling on property located at 103 Banneker Drive and further identified as Assessor's Parcel No. 11D-1-31.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 200 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to Mondays through Saturdays from 8:00 AM to 8:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins,
Nay: (0)

APPLICATION NO. UP-590-02, JOSEPH DUFRESNE

Mr. Carter made a presentation on Application No. UP-590-02 requesting a special use permit to authorize the establishment of a tattoo parlor located at 2719 George Washington Memorial Highway in the shopping center adjacent to the 7-11 at the corner of Rich Road and Route 17. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-18.

Mr. Zaremba asked what the law was concerning the age of tattoo patrons.

Mr. Joseph Dufresne, 2097 Thomas Fisher Lane, Virginia Beach, the applicant, explained the State of Virginia required patrons to be 18 years of age, or younger than 18 with parental consent; however, he stated he did not sell services to anyone below 18 regardless of the consent.

Mr. Zaremba stated he wanted to ensure the age requirement for those getting tattoos would be 18 years of age or older.

By consensus the Board agreed that the use permit would require that the patrons be 18 years of age or older.

Chairman Wiggins called to order a public hearing on Application No. UP-590-02, which was duly advertised as required by law. Proposed Resolution R02-18 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A TATTOO PARLOR AT 2719 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R02-18(R), to include the condition proposed by Mr. Zaremba concerning the age of patrons, that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A TATTOO PARLOR AT 2719 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Joseph Defresne has submitted Application No. UP-590-02, which requests a special use permit pursuant to Section 24.1-306 (Category 11, No. 7) of the York County Zoning Ordinance to authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) within an existing shopping center located on a parcel of land identified as Assessor's Parcel No. 36A (7)-1; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the comments of the public with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that Application No. UP-90-02 be, and it is hereby, approved subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tattoo parlor at 2719 George Washington Memorial Highway (Route 17) within an existing shopping center located on a parcel of land identified as Assessor's Parcel No. 36A (7)-1.

2. The applicant shall at all times maintain on the premises appropriate documentation of compliance with applicable requirements and regulations of the Virginia Department of Health.
3. The application of tattoos shall be conducted behind a privacy screen so as not to be visible to persons looking into the establishment through the storefront window.
4. The application of tattoos to anyone under the age of eighteen (18), even if they have parental consent, shall be prohibited.
5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mr. Shepperd reminded the Board of his town hall meeting on Thursday, March 7 at Tabb Elementary School between 7:00 and 9:00 p.m., and encouraged those in District 5 to attend.

Mr. Burgett mentioned a meeting that would take place on February 21 at 8:30 a.m. at the VDOT Highway Building in Richmond to review the Parking Ordinance that the County had proposed. He felt the Business Breakfast hosted by the Industrial Development Authority on February 14 was very successful. He then asked Mr. McReynolds to overlay the Zoning Ordinance on the Comprehensive Plan and get the matter on a future agenda soon.

Mr. Zaremba discussed the budget cycle that would be approved the first week of April for Fiscal Year 2003. He discussed the earlier meeting this evening with the School Board and its budget for 2003 and stated he felt the County should be in good shape if the Governor's proposal of adding \$2.2 million to what the state allocated to the County last year holds up. He also noted that the County plans on allocating another \$1.7 million in addition to what was allocated last year to the schools. He mentioned the continuing budget deliberations between the members of the General Assembly and the possible cuts by the state and the shortfall that will need to be met by the County. He elaborated on an article in the Daily Press, which he felt was not accurate regarding development throughout the County. He invited the editors of the newspaper to drive down Richmond Road and notice the development is not unlike that of Bypass Road.

Chairman Wiggins commended Mrs. Sandy Petito and her husband, owners of a tai kwan do studio. He stated Mrs. Petito hosted a martial arts meet, which generated enough out-of-town guests to fill up two hotels in the area, thereby generating business for York County.

UNFINISHED BUSINESS

Mr. McReynolds briefly reviewed proposed Resolution R02-7(R) to establish a Stormwater Advisory Committee for the purpose of advising the Board of Supervisors on drainage problems and requirements and to provide public education and outreach programs to inform the citizens about stormwater pollution.

Mrs. Noll then moved the adoption of proposed Resolution R02-7(R) that reads:

A RESOLUTION TO ESTABLISH A STORMWATER ADVISORY
COMMITTEE FOR THE PURPOSE OF ADVISING THE BOARD OF
SUPERVISORS ON DRAINAGE PROBLEMS AND REQUIREMENTS
AND TO PROVIDE PUBLIC EDUCATION AND OUTREACH PRO-
GRAMS TO INFORM THE CITIZENS ABOUT IMPORTANCE OF
CONTROLLING STORMWATER POLLUTION

WHEREAS, in light of the recent success of the citizen Drainage Committee, and the continuing need for citizen input and public participation in solving drainage problems, and in accordance with the National/Virginia Pollution Discharge Elimination System Phase II MS4 regulations ("Phase II regulations"), the Board has determined that a more expanded version of the Drainage Committee would serve the public interest; and

WHEREAS, under the Phase II regulations York County will be required to be permitted for stormwater discharges and consequently develop and implement a stormwater management program within five years of issuance of the permit, including requirements for public education and outreach and public participation;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that there is hereby established a citizen Stormwater Advisory Committee with the following organizational structure and duties:

1. The Committee is chartered to monitor the drainage improvements plan as adopted by the Board of Supervisors, develop goals, objectives, and implementation strategies to enhance the County's stormwater program, to advise the Board of Supervisors of the County's drainage problems, and to meet the public education, public outreach, and public involvement and participation components of the Phase II regulations; and
2. The committee is formed to advise the Board and shall not perform administrative duties; establish policy; enter into contracts or incur any obligations which bind the County; hire, fire, or discipline employees, or advise on personnel matters; and
3. The committee shall consist of 12 members with two members from each election district and two at-large members:
 - It is preferred that the members of the committee possess at least one of the following qualifications:
 - good interpersonal skills
 - good verbal and written communication skills
 - working knowledge of drainage issues in the community
 - It is preferred that one of the at-large members be educated or experienced in stormwater engineering activities and that one be educated or experienced in public relations activities
4. The 12 members will serve at the pleasure of the Board and may serve for a term of two years, and each member shall serve no more than two consecutive terms; and
5. The committee shall have the authority to form citizen subcommittees to assist them in their duties; and
6. Staff support for the committee shall be comprised of:
 - One or more staff members from the Department of Environmental and Development Services,
 - One staff member from VDOT, with VDOT's consent; and
7. The committee will meet at least quarterly or more frequently as the need dictates, and shall hold its first meeting no later than July 30, 2002.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
 Nay: (0)

CONSENT CALENDAR

Mr. McReynolds suggested that proposed Resolution R02-33 dealing with the national liberty monument under Item No. 10 be removed from the Consent Calendar and not acted upon at this time. He explained there were still questions on the monument, and additional information was being requested.

Mr. Burgett asked that Item No. 9 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 7, 8, 10, and 11, respectively, with the deletion of proposed Resolution R02-33.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 15, 2002, Regular Meeting
 January 22, 2002, Adjourned Meeting

Item No. 8. APPROVAL OF PROCUREMENT ACTION: Resolution R02-29.

A RESOLUTION TO CONSTRUCT DARE HEIGHTS SEWER EXTENSIONS, PREPARE A COST ALLOCATION PLAN, AND CONDUCT AN ENVIRONMENTAL ASSESSMENT.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2002, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following three procurements:

	<u>AMOUNT</u>
Dare Heights Area Sanitary Sewer Extensions	\$387,400
Cost Allocation Plan (estimate)	34,800
Environmental Assessment Services	42,000

Item No. 10. YORKTOWN FOUNDATION FUND-RAISING PROPOSAL: Resolutions R02-32 and R02-34.

Resolution R02-32:

A RESOLUTION TO REQUEST CONGRESSIONAL SUPPORT FOR THE APPROPRIATION OF FUNDING FOR THE REVITALIZATION OF THE WATERFRONT PICNIC AREA IN HISTORIC YORKTOWN, VIRGINIA

WHEREAS, the United States of America, Commonwealth of Virginia and County of York are working cooperatively to improve and revitalize Historic Yorktown in preparation for 2006 and the 225th anniversary of the Revolutionary War British surrender in Yorktown, and in 2007 the 400th anniversary of the founding of nearby historic Jamestown; and

WHEREAS, it is in the interest of the citizens of the United States to improve Yorktown since it is a national landmark with significant historic value; and

WHEREAS, the current revitalization efforts are the result of over ten years of careful planning, which included numerous public planning forums; and

WHEREAS, it is the desire of the York County Board of Supervisors to improve the appearance and facilities at the National Park Service waterfront picnic area as part of the revitalization efforts; and

WHEREAS, the National Park Service plans to deed an easement to the County of York for the waterfront picnic area, subject to the completion of a required environmental assessment, so that the County may renovate and maintain said facility; and

WHEREAS, the County has resources to perform long-term maintenance but needs assistance to pay for renovation costs;

NOW THEREFORE BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that it does hereby respectfully request Congressional support and assistance in the amount of \$1,000,000 to enable the County of York to undertake the renovation of the waterfront picnic area in historic Yorktown in preparation for nationally significant anniversary commemorations in 2006 and 2007.

Resolution R02-34:

A RESOLUTION TO REQUEST CONGRESSIONAL SUPPORT FOR
THE APPROPRIATION OF FUNDING FOR THE CONSTRUCTION
OF A NEW CURATORIAL STORAGE FACILITY FOR THE COLO-
NIAL NATIONAL HISTORICAL PARK SERVICE IN YORKTOWN,
VIRGINA

WHEREAS, the United States of America, Commonwealth of Virginia, and County of York are working cooperatively to improve and revitalize Historic Yorktown in preparation for 2006 and the 225th anniversary of the Revolutionary War British surrender in Yorktown, and in 2007 the 400th anniversary of the founding of nearby historic Jamestown; and

WHEREAS, it is in the interest of the citizens of the United States to improve Yorktown since it is a national landmark with significant historic value; and

WHEREAS, the current revitalization efforts are the result of over ten years of careful planning, which included numerous public planning forums; and

WHEREAS, it is the desire of the York County Board of Supervisors to request Congressional support for funding for the construction of a new curatorial storage facility for the Colonial National Historical Park Service as part of the revitalization efforts; and

WHEREAS, the National Park Service has approved funding in the proposed budget for the curatorial facility; and

NOW THEREFORE BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that it does hereby respectfully request Congressional support and assistance in the amount of \$725,000 for this project in the final budget for the Department of the Interior.

Item No. 9. HAMPTON ROADS PARTNERSHIP RE-QUALIFICATION FOR REGIONAL COMPETITIVENESS PROGRAM FUNDING: Resolution R02-39 (Removed from the Consent Calendar)

Mr. Burgett asked what benefits York County has received through the Hampton Roads Partnership and the Regional Competitiveness Program, and was there a specific project that York County was involved in that benefited the County.

Mr. James Noel, Director of the Office of Economic Development, stated the Partnership had many goals and objectives, and the focal points are ones that could not be effectively addressed on an individual basis, but as the entire Hampton Roads region. He stated it may be hard to see directly, but collectively the whole region would benefit from the Partnership's goals. Mr. Noel stated the Peninsula Alliance for Economic Development (PAED) had received funding from the Partnership, which has enabled it to move forward with such projects as the computerization of businesses in the region, determining what their needs are, as well as the employment, educational, and training opportunities. He stated it has been decided to lump sum the money, and now PAED and the Southside each has to fight for its share. Mr. Noel stated the entities would make application to the Partnership to utilize these funds, and the Partnership tries to evaluate each proposal on its merits and how it will benefit the entire region or a particular portion of the region. He noted the Partnership funded a Labor Market Survey that the County uses frequently and which is very beneficial to economic development.

Mr. Burgett then moved the adoption of proposed Resolution R02-39 that reads:

A RESOLUTION AUTHORIZING THE HAMPTON ROADS PARTNERSHIP TO CARRY OUT THE PROVISIONS OF THE REGIONAL COMPETITIVENESS PROGRAM (RCP) AND APPROVING THE FUND DISTRIBUTION METHODOLOGY PROPOSED BY THE PARTNERSHIP

WHEREAS, in 1996, the Virginia General Assembly adopted the Regional Competitiveness Act (The "Act"), Article 3 of Chapter 13 of Title 15.2 (§ 15.2-1306 through § 15.2-1310) of the Code of Virginia, 1950, as amended, to encourage counties, cities and towns to work together for their mutual benefit and that of the Commonwealth of Virginia; and

WHEREAS, to encourage regional strategic planning and cooperation, the Act establishes an incentive fund administered by the Virginia Department of Housing and Community Development (VDHCD) to be used to encourage and reward regional strategic economic development planning and joint activities; and

WHEREAS, The Act provides a monetary incentive, which totaled \$10,267,200 in 2002, for distribution among the State's regions for communities to undertake new levels of regional activity to address obstacles to economic competitiveness, by granting funds for five (5) years in accord with VDHCD standards adopted pursuant to the RCP; and

WHEREAS, incentive funds will be disbursed to eligible regions in an amount equal to the percentage of the funds appropriated in incentive payments for a fiscal year that represents the region's percentage of the total population of all eligible regions with a minimum of \$300,000 (FY 2002); and

WHEREAS, the Hampton Roads Partnership (the "Partnership") is a Virginia non-profit, non-stock corporation comprised of leading representatives from the public, business, education, and military communities whose mission is to enhance regional cooperation and improve economic competitiveness in the Hampton Roads Region (the "Region") which Region includes the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, and the Counties of Gloucester, Isle of Wight, James City, Southampton, Surry, and York; and

WHEREAS, the Partnership revised its strategic plan in 1999, and further modified that plan in 2001 and as such has a clear strategic road map for improving the economic competitiveness of the Hampton Roads Region; and

WHEREAS, a copy of the Modified Strategic Plan is attached hereto as Exhibit A to be read as a part hereof; and

WHEREAS, the Partnership, in close cooperation with the Hampton Roads Planning District Commission, will take responsibility for submitting the Hampton Roads Region's Re-qualification application for incentive funding under the RCP and for seeing that the Plan's joint activities are enacted; and

WHEREAS, in recognition of the Partnership's role in implementing the Plan's joint activities, the distribution of all RCP funds received by the Region since the inception of the program have gone directly to the Partnership ("distribution methodology"); and

WHEREAS, prior to completing the application process, the RCP guidelines require that each municipality designate by resolution, approval of the Region's RCP incentive funds distribution methodology; and

WHEREAS, the Board of Supervisors of York County, Virginia has reviewed the RCP and supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf;

NOW, THEREFORE, BE IT RESOLVED BY THE YORK COUNTY BOARD OF SUPERVISORS THIS THE 19th DAY OF FEBRUARY, 2002, THAT ON BEHALF OF THE COUNTY OF YORK, VIRGINIA:

1. It recognizes the Hampton Roads Region as a region contemplated by the Act, and declares itself to be a member of, and a participant in, the Hampton Roads Region;
2. Supports the Partnership's efforts to carry out the provisions of the RCP and apply for monetary incentives on its behalf; and
3. Approves the RCP fund distribution methodology, and authorizes the Partnership to receive, on its behalf, all incentive funding for the five year qualification period beginning in the 2003 fiscal year.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins,
Nay: (0)

NEW BUSINESS

HOUSEHOLD CHEMICAL PROGRAM

Mr. McReynolds briefed the Board on proposed Resolution R02-30 to authorize the execution of an agreement with Virginia Peninsulas Public Service Authority for a Household Chemical Program Contract. He stated that staff recommends the execution of the contract through the adoption of proposed Resolution R02-30.

Mr. John Hudgins, Director of Environmental and Development Services, explained the program and some of the costs associated with the Household Chemical Program. He elaborated on some of the items that are disposed through the program and their means of disposal.

Mr. Stephen Geissler, Executive Director of Virginia Peninsulas Public Service Authority (VPPSA), explained the process for disposals such as car batteries, petroleum products, paint products, and the disposal of mercury.

Mrs. Noll then moved the adoption of proposed Resolution R02-30 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT WITH THE VIRGINIA PENINSULAS
PUBLIC SERVICE AUTHORITY FOR A HOUSEHOLD CHEMICAL
COLLECTION AGREEMENT

WHEREAS, York County is a member of the Virginia Peninsulas Public Service Authority (VPPSA), having joined the Authority for the purpose of dealing with solid waste issues on a regional basis; and

WHEREAS, in November 1996, the Board of Supervisors, the York County Solid Waste Advisory Committee, and York County's citizens expressed the need for a program to effectively handle household chemicals; and

WHEREAS, VPPSA's current contract for a household chemical program expires May 31, 2002; and

WHEREAS, VPPSA has solicited for and received bids for a household chemical program on behalf of its member jurisdictions; and

WHEREAS, VPPSA has submitted to this Board a proposed service agreement for a household chemical program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that the County Administrator be, and he hereby is, authorized to provide a household chemical collection program for York County citizens, such agreement to be in substantially the same form as the agreement submitted to the Board by report of the County Administrator dated November 18, 1996.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

WETLANDS INTERPRETIVE AND EDUCATIONAL CENTER

Mr. McReynolds briefed the Board on proposed Resolution R02-37 to accept and appropriate grant funds for the development of the Wetland Interpretive and Educational Center on property adjacent to Charles Brown Park. He stated staff recommended adoption of proposed Resolution R02-37.

Mr. Burgett then moved the adoption of proposed Resolution R02-37 that reads:

A RESOLUTION TO ACCEPT AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$50,000 FOR THE DEVELOPMENT OF THE WETLANDS INTERPRETIVE AND EDUCATIONAL CENTER

WHEREAS, the County has underway a project to establish a Wetlands Interpretive and Educational Center that benefits the County and its citizens by improving area drainage and water quality through stream restoration; and in partnership with educational and community groups, creating new wetlands that will preserve a portion of York County's heritage and provide a site for both learning and enjoyment and discharging any remaining obligations to the Army Corps of Engineers for wetlands mitigation for the Tabb Library; and

WHEREAS, the County has been awarded \$50,000 by Chesapeake Bay Small Watershed Grants Program toward the development of this Wetlands Interpretive and Educational Center; and

WHEREAS, the required local matching funds are available for this project and have already been appropriated in the amount of \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that the County Administrator is hereby authorized to accept the grant and appropriate grant funds in the amount of \$50,000 toward the development of the Wetlands Interpretive Center and to execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant agreement, and to do all things necessary to implement the Wetlands Interpretive and Educational Center.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins,
Nay: (0)

LEASE OF NICK'S SEAFOOD PAVILION

Mr. McReynolds briefed the Board on proposed Resolution R02-38 to authorize the execution of a lease to the Industrial Development Authority of York County of real estate to be acquired by the County and located at 324 Water Street, Nick's Seafood Pavilion.

Mr. Zaremba asked if the lease includes hazard and fire insurance.

Mr. Barnett stated references could be added to the lease requiring that the liability must also include fire insurance. He stated he would check into the insurance issue.

Ms. Noll then moved the adoption of proposed Resolution R02-38 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A LEASE TO THE INDUSTRIAL DEVELOPMENT
AUTHORITY OF YORK COUNTY OF REAL ESTATE TO BE AC-
QUIRED BY THE COUNTY AND LOCATED IN YORKTOWN, VIR-
GINIA

WHEREAS, the County has executed an agreement dated January 18, 2002, for the purchase and sale of real estate, corporate stock, and restaurant assets, as purchaser, with the Jamestown-Yorktown Educational Trust, Ltd., and Nick's Seafood Pavilion, Incorporated ("the corporation") as sellers; and

WHEREAS, pursuant to the agreement, the County will purchase, among other things, a restaurant building currently housing the restaurant known as "Nick's Seafood Pavilion" and associated parking facilities located at 324 Water Street, Yorktown, Virginia, together with the corporate stock of the corporation, which currently operates a restaurant on the property pursuant to a lease agreement with the Jamestown-Yorktown Educational Trust; and

WHEREAS, under the agreement, the stock of the corporation will be conveyed to the Industrial Development Authority of York County (the IDA); and

WHEREAS, the County desires to lease the restaurant property to the IDA and permit the IDA to sublease the property to the corporation, and desires to authorize the County Administrator to negotiate and execute a suitable lease agreement;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that the County Administrator be, and he is hereby, authorized to negotiate and execute on behalf of the County a lease agreement with the IDA for the real property identified above, such lease agreement to authorize the IDA to further sublease the property to Nick's Seafood Pavilion, Incorporated, for the operation of a restaurant, for an initial lease term not to exceed two years and month-to-month thereafter, for a rental amount not to exceed the rent to be paid to the IDA by Nick's Seafood Pavilion, Incorporated, under a sublease agreement, such lease agreement with the IDA to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins,
Nay: (0)

CLOSED MEETING. At 9:40 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to real property used for a public

purpose specifically pertaining to the acquisition of real property for a public purpose; and Section 2.2-3711(a)(7) to consult with legal counsel on a specific legal matter.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

Meeting Reconvened. At 10:40 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Burgett, Shepperd, Wiggins
Nay: (0)

APPOINTMENT TO THE COLONIAL GROUP HOME COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R02-23 that reads:

A RESOLUTION TO REAPPOINT A YORK COUNTY REPRESENTA-
TIVE TO THE COLONIAL GROUP HOME COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2002, that Ann Jean F. White be, and she is hereby, reappointed as a York County representative on the Colonial Group Home Commission for a term of four years, such term to begin on March 1, 2002, and end February 28, 2006.

On roll call the vote was:

Yea: (5) Noll, Burgett, Shepperd, Zaremba, Wiggins
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY HISTORICAL COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R02-36 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK
COUNTY HISTORICAL COMMITTEE

February 19, 2002

WHEREAS, Jennifer R. Gates and George R. Hoffeditz, Jr., have submitted their resignations as members of the York County Historical Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2002, that David Smith and Lynn DiVito be, and are hereby, appointed to the York County Historical Committee.

BE IT FURTHER RESOLVED that the following individuals be appointed as Associate Members to the York County Historical Committee:

Alexia VanOrden
Lois Winter
Daniel Seabolt
Ted Crossland

On roll call the vote was:

Yea: (5) Burgett, Shepperd, Zaremba, Noll, Wiggins
Nay: (0)

APPOINTMENT TO THE YORK COUNTY GRIEVANCE PANEL

Mr. Shepperd moved the adoption of proposed Resolution R02-28 that reads:

A RESOLUTION TO APPOINT A NEW MEMBER TO THE EMPLOYEE GRIEVANCE PANEL

WHEREAS, Mr. William Blanchfield's term on the Employee Grievance Panel expired on September 30, 2001; and

WHEREAS, Mr. Blanchfield has indicated he does not desire to continue to serve on the Panel; and

WHEREAS, the Board of Supervisors has reviewed and considered the applications of citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2002, that Jack Rhoads be appointed as a new member to the Employee Grievance Panel, such term to begin immediately and expire September 30, 2004.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Burgett, Wiggins
Nay: (0)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Chairman Wiggins moved the adoption of proposed Resolution R02-24 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2002, that Thomas G. Shepperd, Jr., be, and he is hereby, appointed as a York County representative to the Colonial Community Criminal Justice Board to fill the unexpired term of Donald E. Wiggins, such term to begin immediately and expire December 31, 2003.

Meeting Adjourned. At 11:00 p.m. Chairman Wiggins declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors